

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

LONZO J. STANLEY,

Defendant.

MEMORANDUM

03-cr-62-jcs-01

In an order entered on February 12, 2008, I denied defendant Lonzo J. Stanley's motion for reconsideration of Judge Shabaz's denial of his motion for a two-level reduction of his sentence under 18 U.S.C. § 3582 (dkt. #49). As Judge Shabaz explained to defendant in the order denying his original motion, defendant was sentenced as a career offender and is ineligible for a reduction of his sentence under the recent amendment to the crack guidelines. Accompanying defendant's motion for reconsideration was a notice of appeal (dkt. #51), which I addressed in the February 12 order, along with his motion for appointment of counsel, dkt. #50. I determined that defendant qualified for indigent status on appeal but found that I could not certify that his appeal was taken in good faith. I told him that he could appeal the lack of good faith order to the Court of Appeals for the Seventh

Circuit.

On February 26, 2008, defendant filed a notice of appeal from the denial of his original motion and from the denial of his motion for reconsideration (dkt. #57). Technically, he should have stated that he was appealing the determination that his appeal was not taken in good faith, but that should be obvious to the court of appeals from the record. With the notice of appeal, he filed another copy of the same motion for reconsideration he had filed earlier. (Dkt. #49). This additional copy was docketed improperly as a new motion, dkt. #59. It does not raise any new issue that needs addressing.

Entered this 24th day of March, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge